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AARON R. CLEMENTS/HURLEY,
REYES & GUINN
1805-13TH ST.
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OFFICE OF PETITIONS

In re Application of

Naizer, et al.

Application No. 10/724,409

Filed: November 26, 2003

Attorney Docket No. DN2003

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DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 19, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 27, 2005, which set a shortened statutory period for reply of three (3) months. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the statutory period. Accordingly, the application became abandoned on October 28, 2005. A Notice of Abandonment was mailed on March 6, 2006.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office.

The "Response to First Action" filed March 19, 2007, is noted.

The application is being forwarded to Technology Center 3600, GAU 3672 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.


Kenya A. McLaughlin

Petitions Attorney
Office of Petitions